

REMARKS

Claims 1-17 are pending in the application. Claims 3, 9 and 11 and 15 have been cancelled. Entry and reconsideration of the remaining amended claims are respectfully requested.

The claims stand rejected under 35 USC 103(a) over W0'502 in view of Suzuki (U.S. '113). This rejection is respectfully traversed.

As to the applicability of the primary reference (W0'502), the Examiner has notably agreed that **"WO '502 does not expressly teach that the centrifugal atomization process is carried out in an atmosphere with a relatively low (i.e., <4vol%) oxygen content....,"** (page 3 first para of the Office action). To cure this deficiency of the primary reference (WO '502), the Examiner then relies upon secondary reference, Suzuki (U.S. '113), asserting that Suzuki is directed to a process for producing spherical metal particles and the process involves centrifugally atomizing molten metal in an atmosphere containing 3-600 ppm oxygen. Therefore, the Examiner surmises that the invention as a whole would have been obvious to one of ordinary skill in the art because the disclosure of Suzuki would motivate the artisan to conduct the centrifugal atomization of WO '502 in an atmosphere containing a relatively low (i.e., 3-600 ppm) amount of oxygen.

As elaborately set forth in the "Amendment After Final" filed May 14 '07 and emphasized here, Suzuki (U.S. '113) is inapplicable to the present invention. More importantly, it should be noted that Suzuki (U.S. '113) in fact **teaches away** from the instant invention as described by Suzuki itself in the disclosure and discussed with the Examiner over the telephone on June 11, '07. This is particularly material as to the instant "Method" claims and the Examiner during the telephone discussion seemed to agree as to the allowability of the instant "Method" claims.

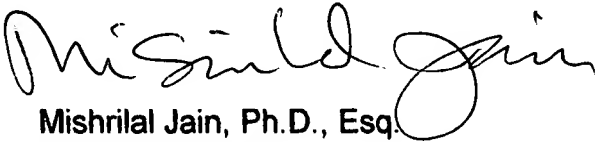
Although the comparative data presented in the 'Declaration' including actual photographs submitted therewith clearly show that Zn alloy powders made by centrifugal atomization in a protective atmosphere **do not** present a spherical or close to spherical shape **when the oxygen content exceeds 0.2%** (compare with Suzuki's actual volume % of 0.0599, *vide supra*), the Applicant herewith presents

additional data to clearly show that Zn powders obtained by centrifugal atomization do not possess desired spherical shape when made throughout the range of 0.2% to 4% oxygen as claimed herein.

In light of the above and evidence presented, it is believed that the claims are now in condition for allowance and favorable action accordingly is earnestly solicited.

Should there remain any outstanding issues, a phone call from the Examiner to discuss the same toward furthering this application for allowance is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mishrilal Jain", written in a cursive style.

Mishrilal Jain, Ph.D., Esq.
Reg. No. 29315

11620 Masters Run
Ellicott City, MD. 21042
Tel. 410-715-4514

June 21, '07